THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26489 of 2005

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Dated:02.01.2006

Between:

Addanki Veera Venkata Satyanarayana Murthy, s/o Veerabhadra Swamy, D.No.27-3-21, Yuva Nagar, Ramachandrapuram, East Godavari District.

..... PETITIONER

AND

Government of Andhra Pradesh, represented by its Principal Secretary, Municipal Administration, Secretariat, Hyderabad, and another.

.....RESPONDENTS

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WRIT PETITION No.26489 of 2005

ORDER:

The petitioner seeks a writ of mandamus declaring the action of the Municipal Council, Ramachandrapuram, East Godavari District, in trying to demolish Sri Sitarama Bhakta Veeranjaneyaswamy Temple ('the temple' for brevity) as illegal and arbitrary. It is the case of the petitioner that in the land comprised in Survey No.260, the temple was constructed in 1927 as evidenced by Field Measurement Book prepared by the revenue authorities in 1927 as well as Gram Panchayat records. The second respondent-Municipality has taken up proposal for widening the road at Rajgopal Centre, Ramachandrapuram, and a survey was conducted on 30.11.2005. The devotees of the temple, like the petitioner, negotiated with the Municipality. The petitioner contends that the main entrance of the temple is not on the road, but situated on the other side of the road, and if the Municipality removes all the encroachments up to 37 feet wide road, there would not be any necessity for demolishing the temple.

On 13.12.2005, when the matter was initially listed, this Court directed the learned Standing Counsel for the second respondent-Municipality to get instructions in the matter. It was brought to the notice of this Court that unless and until, the matter is properly negotiated with the management of the temple, no steps will be taken to demolish the temple or other structures on the road. At that stage, the petitioner has come forward with a proposal requesting the Municipality to allot the land of 40 feet X 40 feet situated beside the old Bus Stop shopping complex or the open space situated beside municipal shopping complex near Kota in Ramachandrapuram. So as to settle the matter amicably, the matter was again adjourned. Today on the basis of the instructions, the learned Standing Counsel submits that the land suggested by the petitioner is not available for allotment of the temple. However, the learned Standing Counsel fairly submits that the Commissioner, Ramachandrapuram Municipality, is exploring the possibility of finding an alternative site as well as after negotiating with the members of the Managing Committee of the temple, that necessary action would be taken in accordance with law. The same is recorded.

The writ petition, in view of the above – is accordingly disposed of, directing the second respondent to visit the area once again and explore the possibility of shifting the temple to any other alternative site, without in any manner hampering the road widening work. Unless this exercise is completed, needless to mention; the second respondent-Municipality cannot dispossess nor remove the temple from the area.

The Writ Petition, with the above observations, is disposed of. No costs.

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(V.V.S.RAO, J)

02.01.2006

Note: Issue C.C in four days.

B/o.

vs